

# **Exhibit 3**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE \*  
KINGREY, and SANDRA \*  
McCOLLUM, individually and \*  
as heirs at law to the \*  
Estate of LARRY GENE \*  
McCOLLUM, \*  
Plaintiffs, \*

VS. \*

CIVIL ACTION NO.  
3:12-cv-02037

BRAD LIVINGSTON, JEFF \*  
PRINGLE, and the TEXAS \*  
DEPARTMENT OF CRIMINAL \*  
JUSTICE, \*  
Defendants. \*

\*\*\*\*\*

ORAL 30(b)(6) DEPOSITION OF  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

THOMAS L. VIAN

MARCH 27, 2013

VOLUME 1

\*\*\*\*\*

Stephen McCollum, et al  
Brad Livingston, et al

Texas Department Of Criminal Justice  
March 27, 2013

1 that --

2 A. Yes, sir. I can -- I can --

3 Q. More or less?

4 A. Yes, sir, that's more or less. And I'm not  
5 going to challenge your math, let me give you some  
6 realistic figures that -- that we're looking at. Some  
7 328,000-dollar units that provide air conditioning, we  
8 are putting in some very similar units at another  
9 location -- and this is just equipment, not labor costs,  
10 not for contractors doing it, we're doing it with our  
11 labor -- you're looking at about \$328,000 versus about  
12 118,000, I believe the figures were. Now, I don't want  
13 you to quote me exact on that, but that's -- that's  
14 roughly the difference on the same type of units. The  
15 only difference in the 358,000 is it does have the air  
16 conditioning capability built within that system.

17 Q. So that might be -- the 358,000 might buy you a  
18 chiller unit that would --

19 A. An air conditioning unit.

20 Q. An air conditioning unit that -- running on  
21 refrigerated air or a water chiller like you described?

22 A. Refrigerated air.

23 Q. Okay. So that would be less expensive than a  
24 chiller unit for the reasons we talked about before.

25 A. Yes, sir.

**WRIGHT WATSON & ASSOCIATES**

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Stephen McCollum, et al  
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REPORTER'S CERTIFICATION  
ORAL 30 (b)(6) DEPOSITION OF  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
THOMAS L. VIAN  
MARCH 27, 2013  
VOLUME 1  
\*\*\*\*\*

I, KIMBERLY G. KEEPER, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify  
to the following:

That the witness, THOMAS L. VIAN, was duly  
sworn by the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

I further certify that pursuant to FRCP  
Rule 30(f)(1) that the signature of the deponent:

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\_\_\_\_\_ was requested by the deponent or a party before the completion of the deposition and is to be returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;

XXX was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys to the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney or record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to on this the 8th day of April, 2013.



KIMBERLY G. KEEPER, TEXAS CSR No. 2162  
Expiration Date: 12/31/13  
WRIGHT WATSON & ASSOCIATES  
Firm Registration No. 225  
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